

N.E.

76. (Reiterated) The kit of claim 76, wherein the antibody is provided in a form suitable for detecting the cell cycle regulatory (CCR) protein in samples in cells.

Please add the following new claims:

11 12 13
77. The preparation of claim 65, wherein the cell cycle regulatory (CCR) protein is at least 90% identical to one of SEQ ID Nos. 2, 4 or 6.

78. The preparation of claim 65, wherein the cell cycle regulatory (CCR) protein is at least 95% identical to one of SEQ ID Nos. 2, 4, or 6.

REMARKS

Following entry of the foregoing amendment claims 1, 10, 11, and 58-76 are pending in the application. The Examiner has withdrawn claims 1 and 10 as being drawn to a non-elected invention. Applicants will cancel these claims upon indication of allowable subject matter. Claims 11, 65, 66, and 68 have been amended. Claims 77 and 78 are being added. Applicants submit that no new matter has been introduced by the amendments to the claims and that the amended claims are fully supported by Applicants' specification as originally filed.

Applicants will now address the concerns raised by the Examiner in the order presented in the Office Action.

1-2. The Examiner requests correction and updating of the priority claim for the present application. Applicants have herein amended the priority claim to include the patent numbers of all issued patents and to include PCT/US93/09945, as requested. A certified copy of the PCT application will be provided as soon as it can be provided.

3-4. The Examiner requests that missing references to SEQ ID Nos. be provided. Applicants hereby amend the specification to include such references, and provide herewith a replacement sequence listing including all such sequences not included in the sequence listing as filed. We

submit herewith a hard copy of the sequence listing and a computer readable form of the sequence listing (the diskette).

Additionally, I hereby state that the content of the Sequence Listing and the computer-readable copies of the Sequence Listing submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same. I further state that this submission, filed in accordance with 37 C.F.R. § 1.821(g), does not include new matter.

5-9. The Examiner notes Applicants' election with traverse of Group II, claims 11 and 58-76.

10. The Examiner requests that Applicant amend the title more descriptive of the claimed subject matter. Applicants hereby amend the title to comply with this request.

11-12. The Examiner requests that Applicants properly represent trademarks using all capital letters. Applicants hereby amend the specification in compliance with this request.

13. The Examiner points out typographical errors in the specification. Applicants have corrected the specification in accord with the Examiner's suggestions.

14. The Examiner objects to claim 11 as being dependent on a non-elected claim. Applicants have amended claim 11 to obviate this objection.

15-18. Claims 58-64 are rejected under 35 U.S.C. 112, first paragraph, because the specification does not allegedly contain support for the term "at least four ankyrin-repeats". Applicants point out, however, that support for this limitation can be found on page 55, line 37, of the specification, which notes that this feature appears to be conserved in the CCR protein family. Therefore, Applicants submit that this term is supported by the specification and respectfully request withdrawal of this rejection.

19. Claims 59 and 66 are allegedly indefinite for reciting stringent conditions. Although Applicants believe that this term is well understood in the art and is not indefinite, Applicants nevertheless amend these claims to more particularly point out and distinctly define the hybridization conditions solely to expedite prosecution of the present application.

20-22. Claims 11, 58-61, and 65-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Skolnick, et al. (U.S. Patent No. 5,624,819). Applicants traverse this rejection to the extent it is maintained over the claims as amended.

Skolnick, et al., claims an earliest priority date of March 18, 1994, through a series of abandoned applications, including several continuations-in-part. Applicants cannot discern from the record which of these applications first constitutes an enabling disclosure that might anticipate the present claims. Applicants submit that their earliest filing supporting the presently claimed invention may precede such disclosure by Skolnick et al., and disqualify Skolnick et al. as prior art, and thus Applicants respectfully request withdrawal of this rejection.

24. Claim 65 is rejected under 35 U.S.C. 102(b) as being anticipated by Booher et al. (*Cell* 58:485-497, 1989). Applicants respectfully traverse this rejection to the extent it is maintained over the claim as amended.

Booher et al. teach antibodies taught directed to a p63 protein. Claim 65 now recites a purified preparation of polyclonal antibodies, or fragments thereof, specifically immunoreactive with a cell cycle regulatory (CCR) protein at least 80% identical to one of SEQ ID Nos. 2, 4, or 6. Applicants submit that the antibodies taught by Booher et al. fail to meet this limitation, and respectfully request withdrawal of this rejection.

25-28. Claims 11 and 58-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skolnick, et al. (U.S. Patent No. 5,624,819). Applicants traverse this rejection to the extent it is maintained over the claims as amended.

Skolnick, et al., claims an earliest priority date of March 18, 1994, through a series of abandoned applications, including several continuations-in-part. Applicants cannot discern from the record which of these applications first constitutes an enabling disclosure that might

anticipate the present claims. Furthermore, Applicants respectfully point out that the present application claims an earliest effective filing date of October 16, 1992, prior to the earliest effective filing date of Skolnick et al. Applicants submit that their earliest filing supporting the presently claimed invention precedes such disclosure by Skolnick et al., disqualifying Skolnick et al. as prior art, and thus Applicants respectfully request withdrawal of this rejection.

CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending rejections. Applicants believe that the claims are now in condition for allowance and early notification to this effect is earnestly solicited. Any questions arising from this submission may be directed to the undersigned at (617) 832-1754.

If there are any other fees due in connection with the filing of this Response, please charge the fees to our **Deposit Account No. 06-1448**. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit account.

Respectfully submitted,
FOLEY, HOAG, & ELIOT



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